

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

February 27, 2009

Charles R. Fulbruge III  
Clerk

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No. 07-40880

Summary Calendar

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UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MELVIN MILLER

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 5:07-CR-517-1

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Before HIGGINBOTHAM, BARKSDALE, and ELROD, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Melvin Miller has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). That brief, *inter alia*: addresses the two issues identified in our court's prior order; and alleges no prejudice. *See United States v. Miller*, No. 07-40880 (5th Cir. 19 Aug. 2008) (denying counsel's previous motion to withdraw

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

and directing counsel to file a brief addressing concerns related to Federal Rules of Criminal Procedure 11(b)(2) and 11(b)(1)(E)). Miller has not filed a response.

Our independent review of the record and counsel's brief disclose no nonfrivolous issue for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.